



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,490	12/08/2000	Richard E. Rowe	29757/P-346	2394

7590

07/31/2002

Martin J. Hirsch  
Marshal, O'Toole, Gerstein, Murray & Borun  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, IL 60606-6402

EXAMINER

ENATSKY, AARON L

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/733,490

Applicant(s)

ROWE, RICHARD E.

Examiner

Aaron L Enatsky

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Drawings*

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over EZ Pay System (Hereafter, EZ) in view of Dyke '141. In re 1-2, 7, 13 and 22, EZ through Applicants disclosure teach of a casino gambling system having a server, a clerk validation terminal, a plurality of casino gambling units, a cashier computer, and a ticket reader (Fig. 1 and Page 1-2 of Applicant's disclosure). Each of these items have components well known to those skilled in the

Art Unit: 3713

art, such as credit-input, value dispenser, validation controller, display, and game controller.

Further the games disclosed are commonly found casino games such as video poker, blackjack, and slot. Variations of the game system claimed by applicant remove the clerk validation terminal, which is also supported by EZ. EZ is lacking a cashier transaction device that is capable of supporting user authentication through the use of biometric controls, which would replace traditional user system authentication by a password or similar method. Dyke teaches a biometric access/restriction solution applicable in with respect to financial accounts as well as other stored sensitive data (1:10-16). The various biometric techniques employed to verify user access are retinal pattern, finger, and voiceprint scanning (1:33-35). Evidence to support the combination of EZ in view of Dyke can be seen as EZ is concerned with access security as is the entire gaming industry, and Dyke is concerned with general access protection in various field, which include financial accounts. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify EZ's authentication system to include biometric scanning in the cashier controller as taught by Dyke to increase financial transaction security and prevent unauthorized system access.

In re claim 3-6, 8-11, 14-16, and 23-25 as is discussed above, the biometric system uses retinal pattern, finger, and voiceprint scanning, obviating the use of a fingerprint scanner, eye scanner, camera, and microphone.

In re claim 12, 17, and 26, voiceprint scanning would require comparison to previously stored voiceprints, therefore obvious to one of ordinary skill that the voiceprint would need to be digitized for comparison purposes.

Art Unit: 3713

In re claim 18-19, and 27-28, capturing a plurality of biometric data sets is claimed, whereas Dyke teaches meeting one or more of the biometric criteria for authentication (1:22-23).

In re claim 20-21 and 29-30, Dyke teaches the biometric system for granting access to personnel (1:11-16).

### *Conclusion*

5. Applicants system primarily requires biometric access authorization for use by casino employees. As is well known in the casino arts as well as financial transaction arts, biometric access/authorization has been contemplated for sometime for use by the general population as alternative to credit cards, passwords, and other inherently insecure authentication methods. For instance, Schneier et al. '408 teaches authenticating player communication with a casino system using biometrics, comprising finger, voice, and retinal scanners (15:67-16:54). This authentication is used for financial transactions and game access, which is analogous to casino game system access by an employee. Although the interface mechanism might be different for an employee versus a game player, the reasoning and methodology behind implementing biometric access to the casino remains the same. Therefore game player authentication is analogous and quite obvious to apply as a measure to increase security and decrease employee fraud.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schneier et al. '408, teaches biometric access control in a casino system.

Kinsella '094, teaches biometric sensor for administrative access to a financial system.

Delagrang et al. '211, teaches biometric access for use in a POS system.

Crevelt et al. '983, teaches a casino gaming network system.

Art Unit: 3713

Lambert '153, teaches a financial system using biometric scanning for access.

Pare, Jr. et al. '789, teaches biometric access control for cash transactions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9302 for regular communications and 703-746-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ale  
July 24, 2002



**MICHAEL O'NEILL**  
**PRIMARY EXAMINER**